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175 App. Div. 473 (1916). The first case cannot be considered as holding that an order cannot be made in any case to take an X-ray picture of a plaintiff's injury, since the order, which was reversed on appeal, did not provide that the examination should be made as required by the statute. The last decision was by a divided court and was wholly based on the ground that, at that time, there was danger in taking radiographs.

The comparatively small element of danger involved in making a blood test, and the necessity for such a test to accurately determine the condition of the plaintiff, as sworn to by the examining physician, would seem to justify the decision in the instant case.

The point at issue here does not seem to have arisen in Virginia.

EVIDENCE—EXTRA-JUDICIAL CONFESSION UNCORROBORATED BY INDEPENDENT EVIDENCE OF CORPUS DELICTI WILL NOT WARRANT CONVICTION.—Defendant was indicted with other employees of a corporation for the larceny of certain goods from stock obtained by means of alleged fictitious order and cash slips, such as were required by the company's business system. Defendant acknowledged receipt of the goods, claiming to have bought them in the usual and proper course of business at their true value without any conspiracy to defraud. The prosecution offered evidence of a confession by the defendant to the superintendent of the company, which was admitted over defendant's objection, but there was no evidence to show any fraudulent connection of defendant or his alleged confederates with the cash slip necessary to procure delivery of the goods. Defendant was convicted, and upon an order denying a motion for a new trial, appealed, alleging error in the admission of the confession uncorroborated by independent evidence of the *corpus delicti*. *Held*, new trial granted. *State v. Wylie* (Minn.), 186 N. W. 707 (1922).

The probative force of extra-judicial confessions depends upon their trustworthiness and probable truth. *Bergen v. People*, 17 Ill. 426, 65 Am. Dec. 672 (1856); *State v. Guild*, 10 N. J. L. 163, 18 Am. Dec. 404 (1828); 3 WIGMORE, EVIDENCE, §§ 2070, 2071; 2 CHAMBERLAYNE, EVIDENCE, §§ 1595-1608; 1 GREENLEAF, EVIDENCE, (16th Ed.) § 217.

Whether an uncorroborated confession will support a conviction in a criminal case does not yet seem to have been satisfactorily settled in England. *Reg. v. Sullivan* (Ire.), 16 Cox C. C. 347 (1887); *Reg. v. Unkles*, Ir. R. 8 C. L. 50 (1874); *Wheling's Case*, 1 Leach, 311 n. (1789). The English rule, if there is one, that a confession in a criminal case must be supported by corroborative evidence specifically relative to the *corpus delicti* seems, at least, to be restricted to cases of homicide. *Reg. v. Sullivan*, *supra*.

The decisions in the United States may be divided into three classes:

(1) The majority rule requires that a confession be corroborated by independent evidence which must particularly concern the *corpus delicti* in order to warrant a conviction thereon, nor is the rule restricted to cases of homicide. *Bines v. State*, 118 Ga. 320, 45 S. E. 376, 68 L. R. A. 33, and excellent note (1903); *Stringfellow v. State*, 26 Miss. 157, 59 Am. Dec. 247 (1853).

(2) In a few jurisdictions, the corroborating facts, though required, may be of any kind and not necessarily concerning the *corpus delicti*, pro-

vided they tend to confirm the truthfulness of the confession. *Bergen v. People*, *supra*; *State v. Jacobs*, 21 R. L. 259, 43 Atl. 31 (1899).

(3) In some jurisdictions the question does not seem to have been clearly judicially decided as to whether corroboration is necessary at all. *Comm. v. Killion*, 194 Mass. 153, 80 N. E. 222 (1907); *Republic v. Tokuji*, 9 Haw. 548 (1894). In North Carolina it seems that a prisoner may be convicted upon his own voluntary and unbiased confession without other evidence, but in the case in which this doctrine was laid down there was corroborative evidence tending to prove the *corpus delicti*. *State v. Cowan*, 29 N. C. 239 (1847). An earlier case had held the contrary. *State v. Long*, 2 N. C. 455 (1797).

Many States have regulated the question by statute, usually adopting the majority rule. *People v. Jachne*, 103 N. Y. 182, 8 N. E. 374; 6 AM. & ENG. ENC. (2nd ed.), 582, n. 1.

It should be carefully noted that where the confession is infra-judicial no corroboration is of course necessary. *White v. State*, 49 Ala. 344 (1873); *Tong's Case*, Kelyng 18, 84 Eng. Rep. R. 1062 (1664).

Virginia seems to adhere to the majority rule. *Smith v. Com.*, 21 Gratt. 809 (1871).

INTOXICATING LIQUORS—ACQUISITION OF EVIDENCE—EVIDENCE HELD TO SHOW SEARCH BY STATE OFFICERS WAS UNDER DIRECTION OF FEDERAL OFFICERS.—Certain conferences were held between State police officers and federal prohibition authorities to obtain a closer co-operation between them in the enforcement of the prohibition law. The State officers were informed as to the evidence necessary in prosecutions under the prohibition law, and were instructed to turn persons arrested and the evidence obtained against them over to the federal authorities. But the federal authorities had no special knowledge or issued no special directions in each specific case. After these conferences had taken place the premises of the accused were searched by the State officers without a warrant, and property used in the manufacture of liquor was seized and turned over to the federal authorities. Application was made to suppress the evidence thus obtained. *Held*, application granted. *United States v. Falloco*, 277 Fed. 75 (1922).

Since the Fourth and Fifth Amendments to the Constitution, as limitations upon the use of evidence improperly obtained, apply only to federal officers, liquor in the unlawful possession of a defendant which is seized on a search by State officers without a warrant and without acting under the authority of federal authorities, is, notwithstanding its unlawful seizure, admissible in evidence on the trial of the defendant in a federal court. *United States v. O'Dowd*, 273 Fed. 600 (1921); *Weeks v. United States*, 232 U. S. 383, 34 Sup. Ct. 341, L. R. A. 1915B, 834, Ann. Cas. 1915C, 1177 (1914); *United States v. Burnside*, 273 Fed. 603 (1921); *Youngblood v. United States*, 266 Fed. 795 (1920). For similar reasons, the fact that private papers have been unlawfully seized by a private individual, without the knowledge or connivance of any officer of the federal government, and then turned over to the federal government does not prevent their being used in a criminal prosecution against the owner. *Burdeau v. McDowell*, 41 Sup. Ct. 574 (1921).